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October 5, 2016

BY ECF AND CHAMBERS' EMAIL

Hon. Stuart M. Bernstein, U.S.B.J.
United States Bankruptcy Court for the
Southern District of New York
One Bowling Green
New York, New York 10004

Re: SIPA v. Bernard L. Madoff Investment Securities LLC, Adv. Pro. No. 08-01-01789
Trustee Profit Withdrawal Motion

Dear Judge Bernstein:

The parties to this motion have met and conferred about an amendment to the current scheduling order, ECF No 13619. The parties jointly request an adjustment to the current schedule to enable them to better tailor the pretrial deadlines to the Court's schedule and to allow them to work toward reducing the issues for hearing.

The parties filed extensive pre-hearing briefs and have exchanged evidentiary disclosures. As currently constituted and absent a substantial narrowing of the issues in dispute, the parties believe that the evidentiary hearing on this motion is likely to require at least one week of the Court's time. The parties are concerned about the impact of such a trial schedule on the Court's calendar and are attempting to reduce the issues in dispute. Accordingly, the parties agree as follows:

1. The parties have exchanged extensive exhibit and witness lists that require additional time to review prior to the *in limine* motion deadline. Accordingly, the parties jointly request an adjournment of three weeks, or until October 28, to file their motions *in limine*, with responses to such motions due on November 18, 2016, and replies due on December 2, 2016.

2. The length of any evidentiary hearing will in large part depend on the outcome of the anticipated *in limine* motions. The parties believe that these motions will raise substantial evidentiary issues that may materially impact the presentation of the evidence at hearing and the duration of the proceeding.

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3. For these reasons, the parties believe that the proceeding will be greatly streamlined if they have the benefit of the Court's rulings on the motions *in limine* prior to the preparation and submission of the pre-trial order. Accordingly, all parties respectfully request that the Court first rule on the *in limine* motions and then set a date for the submission of the Joint Pretrial Order thirty days thereafter.

4. The parties anticipate working through stipulated facts, objections to exhibits, and counter-designations for deposition excerpts as part of the preparation of the Joint Pretrial Order, and prior to its submission to the Court. The parties are unanimous in their belief that such exchanges have the potential to greatly reduce the time and resources required for the evidentiary hearing.

The parties jointly request the Court's approval of the procedure outlined above and enclose a proposed stipulation and order setting forth the new procedure.

Sincerely,

/s/ Seanna R. Brown

Seanna R. Brown
Partner

Enclosure

cc: Kevin Bell
Helen Chaitman
Laura Clinton
Rick Kirby
Amy Vanderwal